

GAK 3308

DOCKET NO. J&J 1576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Axel Friese et al.

323  
Part of  
#56



Serial No.: 08/427,468

Art Unit: 3308

: April 24, 1995

Examiner: K. Reichle

: **TAMPON, ESPECIALLY FOR FEMININE HYGIENE, AND A PROCESS AND APPARATUS FOR PRODUCING THIS**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

August 26, 1998

(Date of Deposit)

Joel A. Rothfus

Name of applicant, assignee, or Registered Representative

(Signature)

August 26, 1998

(Date of Signature)

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SUPPLEMENTAL APPEAL BRIEF

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Attached is a Supplemental Appeal Brief (three copies) for the above-captioned patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required to Account No. 10-0750/J&J1576/JAR. This Authorization is being submitted in triplicate.

Respectfully submitted,

Joel A. Rothfus  
Attorney for Applicant(s)  
Reg. No. 33,277

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New Brunswick, NJ 08933-7003  
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DATED: August 26, 1998



J&J-1576

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Axel Friese et al.

Serial No.: 08/427,468 Art Unit: 3308

Filed : April 24, 1995 Examiner: K. Reichle

For : **TAMPON, ESPECIALLY FOR FEMININE HYGIENE, AND A  
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Assistant Commissioner for Patents  
Washington, D.C. 20231

**SUPPLEMENTAL APPEAL BRIEF**

Dear Sir:

**INTRODUCTION**

This is a supplement to the Appeal Brief filed on or about August 6, 1998, intended to address the Examiner's newly stated position in the Advisory Action dated August 20, 1998. This paper is in response to the new issue raised in the Advisory Action. The following supplement §§ VI and VII of the Appeal Brief.

## VI. ISSUES

C. Whether the invention, as currently claimed and disclosed, is broader than that originally disclosed.

## VI. ARGUMENTS

### C. WHETHER THE INVENTION, AS CURRENTLY CLAIMED AND DISCLOSED, IS BROADER THAN THAT ORIGINALLY DISCLOSED

In the Advisory Action, the Office alleges that claim 1 originally claimed open channels, i.e., grooves 18. It further alleges that the scope of invention now claimed and disclosed is broader than that originally clearly disclosed. Appellants respectfully point out that these allegations are inaccurate.

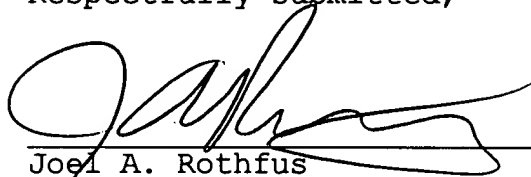
First, the open channels of originally filed claim 1 related to the preform. The claim also required that this preform be manipulated further to softly smooth the outer ends of the ribs (between the grooves) to form a cylindrical surface of smaller diameter. This original claim did not require that the tampon (in contrast to the preform) have open or closed grooves.

Second, since the substantive amendments to the specification have been canceled, the present disclosure is substantially the same as that originally filed. This disclosure is sufficient to support the currently pending claims. The limitations of the claims are present in the originally filed specification and/or drawing. Thus, the invention now claimed is adequately disclosed. It is not be broader than that originally disclosed.

Therefore, Appellants respectfully submit that the present rejection is based upon a misunderstanding of the originally

filed specification, drawing, and claims. Withdrawal of the rejection of the claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Joel A. Rothfus', written over a horizontal line.

Joel A. Rothfus  
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August 26, 1998